

JAP:LXN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M 11-254

- - - - - X
UNITED STATES OF AMERICA

- against -

EMIDO SANTOS
also known as
"Santos De Los" and
"Emidio R. Santos,"

Defendant.

- - - - - X
AFFIDAVIT AND COMPLAINT
IN SUPPORT OF AN ARREST
WARRANT

(8 U.S.C.
§§ 1326(a) and
1326(b)(1))

EASTERN DISTRICT OF NEW YORK, SS:

MATTHEW LEW, being duly sworn, deposes and states that he is a Deportation Officer with United States Immigration and Customs Enforcement, duly appointed according to law and acting as such.

On or about October 13, 2010, within the Eastern District of New York and elsewhere, EMIDO SANTOS, also known as "Santos De Los" and "Emidio R. Santos," an alien who had previously been deported from the United States after a conviction for the commission of a felony, was found in the United States, without the Secretary of the Department of Homeland Security having expressly consented to such alien's applying for admission.

(Title 8, United States Code, Section 1326(b)(1)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I am a Deportation Officer with United States Immigration and Customs Enforcement ("ICE") and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about October 13, 2010, the defendant EMIDO SANTOS, using the name "Santos De Los," was arrested by the New York City Police Department ("NYPD"), 72nd Precinct, in Brooklyn, New York for Assault in the Second Degree: Intent to Cause Physical Injury with Weapon/Instrument, in violation of New York Penal Code, Section 120.05(2), a class D felony.

3. After the defendant's arrest, ICE officers ran a criminal history report, which revealed that the defendant, a citizen of Mexico, had been previously removed from the United States.

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

4. ICE officials determined that the defendant was convicted on or about February 13, 2003, under the name "Emidio R. Santos," for Robbery in the Third Degree, in violation of New York Penal Law, Section 160.05, a class D felony, and sentenced to six months' imprisonment and five years probation.

5. ICE officials also determined that on or about October 9, 2007, the defendant was removed as a felon from the United States pursuant to a Order of Removal dated October 3, 2006.

6. An ICE official with fingerprint analysis training compared the fingerprints taken in connection with the defendant's arrest underlying his February 13, 2003 conviction; the fingerprints taken in connection with the defendant's October 9, 2007 removal; and the fingerprints taken in connection with the defendant's October 13, 2010 arrest, and determined that all three sets of fingerprints were made by the same individual.

7. A preliminary search of ICE files has revealed that there exists no request by the defendant EMIDO SANTOS, also known as "Santos De Los" and "Emidio R. Santos," for permission from the Secretary of the Department of Homeland Security, successor to the Attorney General, to re-enter the United States after deportation.

WHEREFORE, your deponent respectfully requests that the defendant EMIDO SANTOS, also known as "Santos De Los" and "Emidio R. Santos," be dealt with according to law.

Matthew Lew
MATTHEW LEW
Deportation Officer
United States Immigration and
Customs Enforcement

Sworn to before me this
8th day of March, 2010

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK